

Message Text

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INFO AMEMBASSY MEXICO PRIORITY

UNCLAS MAZATLAN 0222

E.O. 11652: N/A

TAGS: CASC, MX

SUBJ: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO

REF: STATE 237743

1. IN ANSWER TO REFTEL: ACCORDING TO LOCAL LEGAL AUTHORITY, FEDERAL DISTRICT JUDGE, FIANZA IS BAIL GRANTED TO A PRISONER FOR THE PERIOD DURING WHICH HIS CASE IS BEING HEARD BY THE APPEALS COURT. THE PRISONER REMAINS FREE FOR ONLY THAT PERIOD OF TIME DURING WHICH HIS APPEAL IS BEING HEARD. ONCE THE COURT HAS RENDERED ITS DECISION IN HIS CASE, HE HAS TO RETURN TO PRISON AND RESUME SERVING HIS SENTENCE. ALSO FIANZA IS FIXED BY THE APPEALS COURT ONLY AFTER THE APPEAL HAS BEEN FILED.

2. RE: DEPARTMENT'S HYPOTHETICAL CASE-CONGEN HERMOSILLO WOULD APPEAR TO BE CORRECT BECAUSE EVEN THOUGH FINAL SENTENCE IS UNDER FIVE YEARS, THE TIME FOR FIANZA HAS LONG SINCE PASSED. THAT IS THE PRISONER CAN ONLY ENJOY FREEDOM UNDER FIANZA WHILE HIS CASE IS BEING HEARD BY HIGHER COURT.

3. PARA (3) OF REFTEL-PRISONER ONLY ELEGIBLE FOR FIANZA ONCE HIS APPEAL HAS BEEN FILED AND THEN FIANZA IS SET BY THE APPEALS COURT ONLY NOT BY THE SENTENCING COURT.
PRIETO

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